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In re Application of :
MURDOCH :
Application No.: 09/602,122 : DECISION ON PETITION
PCT No.: PCT/AU99/00059 : UNDER 37 CFR 1.182
Int. Filing Date: 29 January 1999 :
Priority Date: 29 January 1998 :
Attorney Docket No.: 010100-104 :
For: A TRANSCEIVER

This decision is in response to applicants' "PETITION TO CORRECT NAMED APPLICANT" filed on 15 September 2000 which is being treated as a petition to change an inventor's name under 37 CFR 1.182. Applicant is requesting to change the name of the inventor from Graham Murdoch to Graham Alexander Munro Murdoch. The petition fee under 37 CFR 1.17(h) has been charged to Deposit Account No. 50-0655, as authorized.

BACKGROUND

On 27 July 2000, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*: the basic national fee and a preliminary amendment.

On 14 August 2000, the United States/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indication an oath or declaration and the surcharge for filing the oath or declaration later than 30 months from the priority date as required by 37 CFR 1.492(e) must be furnished. The notification set a one month time limit in which to respond.

On 15 September 2000, applicants filed the present papers which was accompanied by, inter alia: executed declaration and a verified statement claiming small entity status.

DISCUSSION

05/03/2001 ECLAYBKG 100A0002 500655 09605122 The Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor 09605122 has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182.

The petition must include the appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or certified copy of the court order. As noted above, the \$130 petition fee has been charged to counsel's Deposit Account No. 50-0655, and thus item (1) has been satisfied.

With regards to item (2), applicants have not provided an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order. Therefore, item (2) has not been satisfied, and thus the petition may not be properly granted at this time.

CONCLUSION

For the reasons above, the petition is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required.

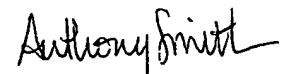
A proper response must include an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Failure to file a proper response within the period for response as set forth above will result in the abandonment of the application.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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